

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT
for the
Southern District of Florida

United States of America)
v.)
Jimmy Thomas) Case No. 22-8049-WM
)
)
)
)

Defendant(s))

CRIMINAL COMPLAINT

FILED BY KJZ D.C.

Feb 15, 2022

**ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - West Palm Beach**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 15, 2022 in the county of Palm Beach in the
Southern District of Florida, the defendant(s) violated:

Code Section
18 U.S.C. 922(g)(1)

Offense Description
Possession of a Firearm by Prohibited Persons (Convicted Felon).

This criminal complaint is based on these facts:

See attached Affidavit.

Continued on the attached sheet.



Complainant's signature

ATF SA Kyle Belga

Printed name and title

Sworn to before me and signed in my presence.

Date: 02/15/2022


Judge's signature

City and state: West Palm Beach, Florida

Hon. William Matthewman
Printed name and title
U.S. MAGISTRATE JUDGE.

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Kyle Belga, being first duly sworn, hereby depose and state as follows:

INTRODUCTION

1. I am employed as a Special Agent of the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) with the United States Department of Justice and have been since May 2021. I have a Bachelor of Science Degree in Kinesiology from Washington State University and a Master of Arts in Leadership Studies from Marshall University. Prior to my current position, I served in the United States Marine Corps for seven years. My military occupational specialty was an 0802, Field Artillery Officer. I am a graduate of the Federal Law Enforcement Training Center’s criminal investigator training program as well as the ATF National Academy. Because of my training and experience, I am empowered to investigate violations of federal law. As an ATF Special Agent, I have conducted and participated in investigations of a variety of federal crimes, including firearms and narcotics violations.

2. This affidavit is based upon my own personal knowledge of the facts and circumstances surrounding the investigation and information provided to me by other law enforcement officers. This affidavit does not purport to contain all the information known to me about this case but addresses only the information necessary to support a finding of probable cause for the issuance of a criminal complaint charging JIMMY THOMAS (hereinafter THOMAS) with a violation of Title 18, United States Code, Section 922(g)(1).

PROBABLE CAUSE

3. This investigation involves the sale of firearms by Jimmy Thomas (hereinafter “THOMAS”). Investigation of THOMAS began when law enforcement received a tip from Crime Stoppers of Palm Beach County, Inc., that THOMAS was selling firearms and ammunition on the

internet. THOMAS is a convicted felon. The tipster reported that THOMAS utilized a gun-brokering website, www.floridaguntrader.com (“website”), to sell firearms. Following the tip, investigation revealed that THOMAS identified as “Thomasj97” with an email address of Gmbmoneygang1804@gmail.com, and a telephone number of 561-462-2558, on the website. Investigation further revealed that THOMAS had active listings for an AR-15 Sons of Liberty rifle, a “Sig Saur P226 Elite (with 35, round clip),” and an “AM-15 Multi Cal” rifle. THOMAS posted numerous photos of all three firearms on the website.

4. Subsequently, an undercover officer (“UC”) contacted THOMAS at the above-listed number regarding purchasing firearms. The communications were through text message. During the conversations, the UC asked THOMAS if the AR-15 Sons of Liberty rifle was still for sale. After negotiating a price, THOMAS asked when he could meet the UC to conduct the transaction. THOMAS initially requested that the UC meet him at 710 10th Street, Apartment 1, West Palm Beach, Florida 33401, but thereafter requested that the UC meet him at Palm Beach Outlets, located at 1751 Palm Beach Lakes Boulevard, West Palm Beach, Florida 33401 (“meeting location”), the next day, on February 15, 2022.

5. On February 15, 2022, prior to the transaction, law enforcement conducted surveillance at the above-stated initial address given by THOMAS and observed THOMAS leave the apartment while carrying a black rifle case. THOMAS left in a red, Ford Focus (“vehicle”), with an adult female driving and a young child in the backseat of the vehicle. While under constant law enforcement surveillance, THOMAS drove to the meeting location.

6. At the meeting location, THOMAS got out of his vehicle and walked to the outside of the UC’s car carrying a soft fabric rifle case. THOMAS placed the firearm in the trunk of the UC’s vehicle. After a brief conversation, THOMAS sold the UC a loaded rifle with a round in the

chamber, specifically an Anderson Manufacturing AM-15 rifle for \$950.00. This sale was both audio and video recorded.

7. Furthermore, during the sale, the UC asked THOMAS if he had additional firearms for sale. THOMAS indicated he had a customized AK-47, but that he would not sell it due to it being customized. However, THOMAS responded that he had a "Sig Sauer" for sale, which THOMAS indicated he would sell with a 35-round magazine. I know from my training and experience Sig Sauer to be a firearm manufacturer. At this time, THOMAS and the UC negotiated a price for the sale of the Sig Sauer. THOMAS informed the UC he had to return to his apartment to get the Sig Sauer firearm. THOMAS further informed the UC that he would immediately return to the meeting location to sell the UC the Sig Sauer pistol.

8. While under constant law enforcement surveillance, THOMAS departed the deal location and traveled back to the apartment. THOMAS arrived at the apartment and then after a few minutes, left the apartment, without making any stops and traveled to the meeting location. THOMAS arrived at the meeting location, exited the front passenger's seat of the vehicle, and walked to the UC's car with the Sig Sauer pistol. ATF Special Agent Mark Finnimore witnessed the Sig Sauer firearm sticking out of THOMAS's pocket as he approached the UC. This was due to the firearm having a 35-round magazine that was not easily concealable. THOMAS put the Sig Sauer in the UC's trunk. At this time, THOMAS indicated he would sell the Sig Sauer for \$650.00. Law enforcement then arrested THOMAS without incident. The Sig Sauer firearm was identified as a Sig Sauer P226 9mm Pistol containing an aftermarket magazine capable of containing in excess of twenty (20) rounds of ammunition. This interaction was also both audio and video recorded.

9. ATF Special Agent Mark Finnamore who is certified as an interstate nexus expert as it pertains to the manufacturing of firearms and ammunition was able to examine the firearms purchased from THOMAS. Special Agent Mark Finnamore determined that both the Anderson Manufacturing AM-15 rifle and the Sig Sauer P226 9mm Pistol were both manufactured outside of the State of Florida, thus affecting and traveling in interstate commerce.

10. A query of the National Crime Information Center (NCIC) confirmed that THOMAS is a six-time felon as early as February 17, 2017 for the following cases:

502016CF006056AXXXMB – Grand Theft over \$300, a third-degree felony in the State of Florida;

502016CF011283AXXXMB – Carrying a Concealed Firearm/Weapon, a third-degree felony in the State of Florida;

502018CF000639AXXXMB – Possession with intent to Distribute Marijuana, a third-degree felony in the State of Florida and Possession with intent to Distribute Cocaine, a second-degree felony in the State of Florida;

502018CF004790AXXXMB – Possession of Firearm by a Convicted Felon, a second-degree felony in the State of Florida;

Additionally, THOMAS served approximately fourteen months in the Florida Department of Corrections for the above listed offenses.

CONCLUSION

11. Based upon the facts contained in this affidavit, I submit there is probable cause to believe that THOMAS violated Title 18, United States Code, Section 922(g)(1).

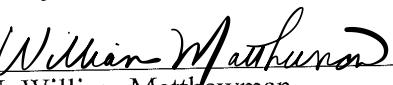
FURTHER YOUR AFFIANT SAITH NAUGHT



Kyle E. Belga,
Special Agent, ATF

Sworn and Attested to me by Applicant by Telephone (FaceTime) per the requirements of Fed. R. Crim. P.4(d) and 4.1 on 15 day of February 2022

February 15, 2022



HON. William Matthewman
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NUMBER: _____

BOND RECOMMENDATION

DEFENDANT: Jimmy Thomas

Pre-Trial Detention

(Personal Surety) (Corporate Surety) (Cash) (Pre-Trial Detention)

By:

Shannon O'Shea Darsch

AUSA: Shannon O'Shea Darsch

Last Known Address: 710 10th Street, Apartment 1

West Palm Beach, FL 33401

What Facility: _____

Agent(s): ATF Kyle Belga
(FBI) (SECRET SERVICE) (DEA) (IRS) (ICE) (OTHER)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Jimmy Thomas

Case No: _____

Count #: 1

Felon in Possession of a Firearm and Ammunition

18 U.S.C. § 922(g)(1)

* Max. Penalty: 10 years' imprisonment; \$250,000 fine; 3 years' supervised release; and a \$100.00 special assessment.

*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.